

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **ACTING CHAIRMAN TOM ZOOK**, on January 18, 2001
at 8:10 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: Sen. Arnie Mohl, Vice Chairman (R)

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Department of Justice
Information Technology
Services Division, Gambling
Control, County Attorney
Payroll, 1/15/2001
Executive Action: None

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HEARING ON THE DEPARTMENT OF JUSTICE

INFORMATION TECHNOLOGY SERVICES DIVISION

January 18, 2001

PAGE 2 of 7

Mr. Steve Tesinsky, Administrator, Information Technology Services Division, gave an overview of the department and distributed information for the committee.

EXHIBIT(jch14a01), **EXHIBIT(jch14a02)**, and **EXHIBIT(jch14a03)**

He stated the Information Technology Services Division (IT) is "everyday people supporting extraordinary needs" and gave a few examples of how technology has helped law enforcement officials do their job, especially increasing the safety aspect. The Division supports registering vehicles and driver's licenses, fingerprint card processing, background checks, and arrest records.

The Criminal Justice Information Network processes criminal and non-criminal requests for information. The network is connected to the National Law Enforcement Telecommunications System, the Montana Criminal, Driver and Vehicle Records, and the National Crime Information Center (FBI information). **Mr. Tesinsky** stated the banks do not use their system for fingerprint checks. **Ms. LaFond, OBPP Representative**, asked if the Department of Corrections fingerprinting information is tied in with the Department of Justice (DOJ). **Mr. Tesinsky** replied they do work together to maintain the most recent and best print available, and the most complete bank of information. He cited numbers of requests processed in each area (approximately 14,000,000 total) and stressed the work is done by only four staff.

The non-criminal background checks, such as day-care providers and little league coaches and volunteers, are increasing significantly and will continue to grow. **ACTING CHAIRMAN ZOOK** asked how long the procedures for non-criminal fingerprint based background checks have been in place. **Mr. Wilbur Rehmann, Project Manager, Criminal Justice Information Services Project**, stated the Volunteers for Children Act was passed in 1998 which allowed any volunteer or non-profit organization dealing with children, elderly, or disabled to do a fingerprint background check. It is not mandatory, but it is being used more and more and is becoming overwhelming in numbers. There is a charge for the services of \$24 by the FBI and \$5 for the IT Division. The funds go to the general fund.

In summary, **Mr. Tesinsky** stated the IT Division supports statewide computer systems serving citizens of the state, the judicial system, Department of Justice, local and national law enforcement, criminal investigations, and disaster and emergency services. He reported the accomplishments since the last legislative session.

There was discussion on sex offenders and recording done when they change resident locations.

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REP. PATTISON asked for clarification on the increasing expense of the system since it has replaced an existing one. **Mr.**

Tesinsky responded the necessity for training has grown and the usage has grown which has increased the cost; however, the same 4 FTE's are staffing the unit. There was additional discussion on possible recovery of costs through fees. Local agencies are charged minimal fees. Additional costs are also incurred many times when legislative bills are passed requiring IT changes and no funds are appropriated to implement the changes, retrain staff, or maintain additional information.

The privacy issue was also discussed. When a system has such critical information, individual privacy rights need to be protected. **Mr. Tesinsky** stated they are aware of "hackers" and they protect the information to the best of their ability. He continued there are penalties for blatant misuse and training given for new employees. The DOJ is responsible for training in proper use of the system and audits for continued proper use.

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Mr. Rehmann spoke about the effort to avoid unnecessary duplication and processing of information among agencies. By entering information such as name, address, social security numbers, etc., electronically, it gives all agencies needing the information access to it without reentering it. As an offender moves through the process with arrest, booking identification, arraignment, and the courts, all agencies have the information available without using a paper system at each step.

Mr. Tesinsky stated the fingerprint identification process will become streamlined as the ability to compare fingerprints electronically evolves versus paper processing and mailing results. An old process that could take weeks will soon take minutes.

Mr. Tesinsky spoke about finding quality personnel and retaining them, the backlogs, and the overtime issues. The Division has experienced a 70% turnover in the Criminal Justice Information Network system statewide which requires increased training. The committee discussed the retention problem as a trend in all state agencies. **Mr. Tesinsky** stated federal funding is currently crucial to maintaining their program.

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He continued that keeping current in new technology adds to the training and retention problem and expense. In closing, he stated we are very dependent on information technology and it takes funding. If we want to take advantage of what the technology offers, we have to fund it and then train personnel to use it.

Mr. Rehmann stated the three branches of government have signed commitments to break down barriers and work together to integrate the computer systems for all agencies.

The committee again discussed the retention problems in IT positions. Contract services usually run 2.5 times the amount of an FTE. They also discussed federal funding, the match required, and legislative contract authority requests. **Ms. LaFond** explained that legislative contract authority allows agencies to spend federal money that may become available during the interim and it must be requested every session. **Mr. Larry Fasbender, Deputy Director, Department of Justice,** addressed vacancy savings, vacant FTE positions and time required to fill vacant positions.

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GAMBLING CONTROL DIVISION

Mr. Gene Huntington, Administrator, Gambling Control Division, gave an overview of the agency with a PowerPoint presentation.

EXHIBIT(jch14a04), EXHIBIT(jch14a05), EXHIBIT(jch14a06), and EXHIBIT(jch14a07)

Mr. Huntington gave a history of gambling in Montana, the state regulation of gambling, the amount waged (\$708,000,000) in FY 2000, the revenue, and the organization of the Gambling Control Division which includes three Bureaus-Operations Bureau, Investigations Bureau, and Technical Services Bureau. The lottery and horse racing are still in the Department of Commerce. He also spoke about the State/Tribal compacts, the legal cases, and licenses and permits. Currently there is controversy in renegotiating the Flathead Tribal contract with the main difficulty being the revenue split.

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The committee continued discussion regarding the Tribal compacts.

CHAIRMAN FISHER asked for further clarification on the operation of machines in Tribal locations and revenue generated.

Mr. Huntington continued that the largest disputes in the legal cases have been over taxes. The growth in machines right now has leveled off while operators wait for the automated reporting system (AARS) to be put in place. Machines needing to be replaced will need different wiring systems for AARS.

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Mr. Huntington then presented the budget issues. He stated 21% of the funding is general fund; 79% is state special funds which comes from gambling permits and license fees. The general funds are allocated due to the transfer of responsibility from the Department of Revenue which is the liquor portion of the Division. It is for the investigation of licenses.

The major request is for the Automated Accounting and Reporting System (AARS). In putting AARS together, the legislature provided general funds for startup costs. This system will be able to dial each gambling machine each night for a report on activity. They plan to be testing in Helena in March and April and hope to be able to demonstrate to the legislature before the session ends. There were 2 FTE to start the system with 1 FTE to be added each year.

Mr. Huntington stated there was a larger voluntary response to convert to machines which could use AARS; therefore, HB 15 is being presented to provide bonds to finance the acceleration of availability of the Data Collection System units. He touched briefly on the imaging system request to begin to convert to a paperless system.

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Following Mr. Huntington's presentation the committee discussed several items. **Mr. Rick Ask, Bureau Chief**, addressed the vacant investigator positions.

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Ms. Lorene Thorson, LFD Representative, clarified the shortfall referred to in the Gambling License Fee Account. She has listed several recommendations the committee might choose to do to keep the fund solvent; however, the Department has suggested transfer of some funds within the Division to solve the problem without considering a raise in fees. Once the beginning costs for AARS

are taken care of, it is expected the costs will level off and the fund will balance out in the next biennium. **Mr. Fasbender** stated the Special Prosecution Unit cost will need to be addressed in the next biennium. The Division is currently absorbing that cost and it has become a problem. **CHAIRMAN FISHER** asked for further clarification on the long distance telephone costs for the AARS. He feels the amount is too high and alternatives should be considered.

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COUNTY ATTORNEY PAYROLL

Mr. Doug Booker, Administrator, Central Services Division, distributed information on the County Attorney Payroll.

EXHIBIT (jch14a08)

He stated state law requires the DOJ to pay half the salary of county attorneys. Currently, SB 66 is being presented which would require the state to pay 100% of the county attorney salaries at 95% of the district court judge salary. If this is passed, adjustments of these requests will need to be made. There are requests in from 3 counties to increase the FTE's a total of .75. In closing, **Mr. Booker** gave the committee the funding figures of \$113,408 both in Personal Services and General Fund for FY 02 and \$158,966 in both funds for FY 03. **Ms. Thorson** stated the Martz budget did reduce these figures slightly.

SEN. CHRISTIAENS asked for clarification on the effect of SB 66. **Mr. Booker** stated the counties would pay none of the county attorney salaries and the salaries are to increase to be 95% of district court judge salaries. **CHAIRMAN FISHER** asked why the state pays county attorney salaries. **Mr. Fasbender** explained they work to a degree at the direction of the Attorney General. Since they prosecute cases of criminals who have committed crimes against the State of Montana, it was determined the State had an obligation to pay a portion of those costs. County attorneys do work extensively with state law violations. Only one county attorney is funded by the state for each county. Additional deputies would be county expense. Part of the increases requested reflect the changes in determining longevity. Time spent in a deputy county attorney role will now be considered as time in the county attorney role should a deputy be elected to the office.

CHAIRMAN FISHER closed the hearing and adjourned the meeting.

January 18, 2001

PAGE 7 of 7

ADJOURNMENT

Adjournment: 10:48 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch14aad)